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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3437 OF 2006

The Dy. Commissioner for Labour,
Municipal Corpn. of Gr. Mumbai & ors. ... Petitioners

V/s

Smt. Megha Mulind Tambe ... Respondent

Mr.A.J.Bhor for Mr. R.A.Malandkar for the petitioners.

Mr.Rakesh Sawant for Mr.B.J. Sawant for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 29TH AUGUST, 2007.

P.C.:

1. This petition challenges the award of the Labour Court dated 18.5.2005. The workman in whose favour the award was passed has died on 19.2.2007 during the pendency of this writ petition. The writ petition has been filed on 19.4.2005 and the award has been stayed by this Court on 8.11.2006. In view of the fact that the workman has expired, in my opinion, it would be appropriate to pass the following order :-

O R D E R

(i) The petitioner to pay 30% of the back wages

as awarded by the Labour Court with effect from 1.3.1993 upto the date of the award.

(ii) From the date of the award i.e. 18.5.2005 till the petitioners obtained a stay from this Court, the petitioners shall pay full back wages to the respondent herein as although there was a direction to reinstate the workman, no steps were taken in the matter by the petitioners.

(iii) The wife of the workman who has been substituted as the respondent in this petition has applied to the petitioners for employment in the establishment on compassionate grounds. Her representation is under consideration by the petitioners. The respondent shall be informed about the fate of her representation within 12 weeks from today.

(iv) The payment under Clauses (i) and (ii) shall be made within 12 weeks from today.

2. Petition disposed of accordingly.

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